

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, February 10th, 2014 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

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|----------|--------------------|------|-------------------|
| PRESENT: | Mervin R. Livsey | ---- | Supervisor |
| | William Edsall | ---- | Council Member |
| | June Gunza | ---- | Council Member |
| | Adrienne Voltaire | ---- | Council Member |
| | Justin Rider | ---- | Counsel |
| | Kelly Blauvelt | ---- | Comptroller |
| | Lesley K. Peterson | ---- | Deputy Town Clerk |

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|---------|----------------|------|----------------|
| ABSENT: | James Stradley | ---- | Council Member |
|---------|----------------|------|----------------|

Supervisor Livsey opened the meeting at 7:00pm.

Supervisor Livsey spoke briefly to remember local resident and dentist Dr Perry, who passed away this week.

PUBLIC HEARING Regarding Water District #2 Distribution System Extension #1 and increase of maximum expenditure pursuant to Article 12-A the Town Law; Amended project description under SEQR.

Public Comment:

No public comment.

Council member Gunza made a motion seconded by council member Edsall to close the Public Hearing. Public hearing closed at

MOTION CARRIED: **4-ayes (Livsey, Gunza, Edsall, Voltaire)**
 0-nays
 1-absent (Stradley)

REGULAR MEETING

PUBLIC COMMENT

None

MINUTES

Council Member Edsall made a motion seconded by Council Member Voltaire to accept the minutes from the January 27, 2014 meeting.

MOTION CARRIED: **4-ayes (Livsey, Edsall, Gunza, Voltaire)**
 0-nays
 1-absent (Stradley)

COMMUNICATIONS

Supervisor Livsey asked Ms Kathy Hamill from the Hudson Valley Land Trust to speak briefly on DEC Estuary Program inviting all Planning/Zoning departments to an educational program involving how the Habitat is changing in your hometown. Deadline for program sign ups is March 3rd.

Supervisor Livsey announced that he had been invited to the annual brunch for the Senior Dining Program, which he has attended in the past and said it is a nice event attended by about 500 volunteers. The Supervisor said the Town has been a Gold Member Sponsor of the program and he would like the Town to continue that sponsorship if the board was in agreement to that.

Council Member Edsall made a motion seconded by Council Member Gunza to agree to continue Gold Member Sponsorship for the Senior Dining Program.

MOTION CARRIED: 4-ayes (Livsey, Edsall, Gunza, Voltaire)
0-nays
1-absent (Stradley)

Supervisor Livsey received a letter from the new engineer, Fusco Engineering & Land Surveying, P.C. He will be contacting them and inviting them to our next meeting for an introduction.

Supervisor Livsey received a booklet announcing Orange County Deed Sale for 2014; however, it expires on the 11th, which unfortunately is tomorrow. The Supervisor said he would give this to the Town Clerk in case anyone wants to review it.

Supervisor Livsey advised that he had just received information on HEAP (Home Energy Assistance Program); the leaflet shows how residents can get assistance with their Oil/Gas bills. The Supervisor said this Information would be available in Town Clerk's Office.

Supervisor Livsey received two letters from Manard Law and Fatsis Associates PLLC, requesting to be appointed as the Special Prosecutor for the Court. The Supervisor said the Board will review this in Executive Session and hopefully come up with a decision.

Supervisor Livsey reported that he does believe we are on the air tonight we are trying to work out the problems with Time Warner Cable.

FINANCIAL REPORTS, REQUESTS & RESOLUTIONS

Supervisor Livsey said the Accounts Payable amount was \$84,730.75.

Ms. Blauvelt explained about the AUD update and stated that there shouldn't be problems updating this software and Ms. Blauvelt doesn't see any issues with meeting the deadline.

Supervisor Livsey read the list of all employees who have finished their probationary period.

BOARD REPORTS

Council Member Edsall:

Council Member Edsall reported that Friends of Mine Dock Rd met and discussed what work might be done once the insurance is in place.

Council Member Edsall stated that he is working with the Building Department to work out some issues with signage. Mr. Edsall said the Town's Master Plan, from about 5 years ago, highlights what can be done as far as the law will allows.

Council Member Edsall said Supervisor Livsey had forwarded an email from the state to him regarding a municipal digester for the sewer plant. Mr. Edsall said they are the second largest green funding program that the State gives.

Council Member Gunza:

Council Member Gunza reported that the Ambulance department had 85 calls since the first of the year, their second highest ever. Ms. Gunza said there has been progress on our radio communications.

Council Member Gunza reported that one of our Police Detectives is in school for two weeks learning to be an instructor and once he is done all instructing can be done in house. Ms. Gunza said Detective Pete Russell is also a trained instructor.

Council Member Voltaire:

Council Member Voltaire spoke with Kelly Blauvelt via e-mail regarding the website, it is coming along and should be complete and up and running fully soon. It will be very informative.

Council Member Voltaire informed everyone that Jean Talman and Lisa Borra from the Assessor's Office were busy working on updating all the different exemptions that residents have. Ms. Voltaire reminded the residents that the deadline for all exemptions is March 1st. Ms. Voltaire said the issue of the Veteran's Exemption for the School Taxes has been tabled and will not be addressed until next year.

Council Member Voltaire notified everyone of a Fundraising for Schools Program at Orange Ulster BOCES this Wednesday Feb 12th, which she will be attending to gather information on budgets, Etc.

Council Member Voltaire also reported that the old Police car, a 2008 Trailblazer, was put on Craig's List and sold almost immediately for \$3,800.00. Ms. Voltaire said Town Clerk, June Patterson did a great job negotiating and sealing the deal.

Council Member Gunza:

Council Member Gunza announced that she and Council Member Voltaire attended a luncheon organized by a new local group parents of school children have formed. Ms. Voltaire explained this group meets and honors children for their work in the community. Ms. Voltaire said Mary Jane Pitt's daughter was recognized at this luncheon.

Ambulance:

Supervisor Livsey asked Bill Stroppel, Ambulance Captain, to update us on recent activity.

Capt. Stroppel said they have been very busy and have broken the record for the number of calls in January. Capt. Stroppel continued with the problem concerning the broken Ambulance and said the other vehicle is 14 years old, which is too old to use. Capt. Stroppel said the company is not recognizing the warrant on this vehicle and after 3 ½ months, he thinks it is time to get the attorney involved.

Supervisor Livsey agreed and Council Member Gunza confirmed that Justin Rider, Attorney should get together with him.

Capt. Stroppel reported that they will be carrying more medications on board such as Glucometry machines and Narcan for drug overdoses.

Comptroller:

Ms. Blauvelt said she is continuing to update the website and let everyone know that there is a link to Facebook. Ms. Blauvelt stated that YouTube will be carrying the videos of the meetings.

GENERAL BUSINESS

EMT Resignation:

Supervisor Livsey reported that he had a resignation of an EMT Edward Jablowski, he has taken a better job.

Council Member Edsall made a motion seconded by Council Member Gunza to accept the EMT resignation.

**MOTION CARRIED: 4-ayes (Gunza, Livsey, Edsall, Voltaire)
 0-nays
 1-absent (Stradley)**

Resolutions

Supervisor Livsey announced that Mr. Rider has provided some resolutions to the Board for adoption.

Council Member Edsall motioned seconded by Council Member Voltaire to move the resolution to amend SEQR Determination Water Dist #2.

**RESOLUTION ADOPTED: 4-ayes (Edsall, Livsey, Gunza, Voltaire)
 0-nays
 1-absent (Stradley)**

******RESOLUTION ATTACHED******

Mr. Rider read the amended bond resolution, announcing no changes to expenditures or funding.

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Council Member Edsall motioned seconded by Council Member Gunza to adopt the amended bond resolution.

RESOLUTION ADOPTED: **4-ayes (Livsey, Gunza, Edsall, Voltaire)**
 0-nays
 1-absent (Stradley)

******RESOLUTION ATTACHED******

UNFINISHED BUSINESS

Supervisor Livsey asked if there was any unfinished business.

Council Member Edsall commented on the building department. Mr. Edsall was given a monthly report and there were 17 violations for signage in the month of January.

Supervisor Livsey said the only responsibility the Town has in the Village is to keep the bridges clear. The Supervisor stated that the sidewalks in the Village are not the Town's responsibility. The Supervisor said there have been delays in garbage pickup, but the DPW, in both the Town and Village, are working overtime to keep everything cleared and asked the residents to just leave your garbage out and it will be picked up.

PUBLIC COMMENT

Mike Calaccico, Fort Montgomery, said the DPW is doing a great job. Mr. Collaccico also said he saw in the News of the Highlands that the cell tower issue has arisen. Mr. Collaccico reminded the Board and the public that there still is a process that has to be finished and everything has to go through the planning/zoning board.

Wayne Kocher, Fort Montgomery, expressed his deep concerns on the danger of cell towers.

Jim Ramus discussed the senior center being taken off the tax roll, as this is money that could help take care of the senior center. The town tax bill now is over \$2,000.00. I've been thru all the properties the village and Town owns and I believe it is not off the school tax roll. Mr. Ramus said the School taxes on this property are approximately \$4,500.

Justin Rider, attorney says it takes time but the Senior Center had only just been removed so it'll take time.

Mr. Ramus brought up Bog Meadow and said that the Town/County taxes on this property are \$4,000.

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County Legislature, James DiSalvo, said the county exempts certain properties each year, Bog Meadow is one of them, but this property is not exempt from School Taxes.

Mr. Ramus said 32,000 in School taxes were paid on that property last year and something needs to be done to remove it permanently from the tax rolls.

County Legislature DiSalvo spoke about Bog Meadow and previous taxes that had been paid on this property. Mr. DiSalvo said this was one of the properties tied up in the Re-Val last year, and there were additional expenses we had to pick up. Mr. DiSalvo said the Senior Center is in the process of being removed from the tax roll and there will be no charge to the residents if you have already paid you will be refunded it just takes time.

Greg Maher thanked the Ambulance Corp for their help recently. Mr. Maher also asked if Long Pond was available for the Ice Fishing Contest for the community.

Supervisor Livsey said it was available as long as the Town received an insurance certificate.

Council Member Gunza just wanted to thank everyone who came to the Skating Event that The Fort Montgomery Fire Dept organized recently it was a great success.

Mr. Maher said about 100 people attended.

EXECUTIVE SESSION

Supervisor Livsey asked for a motion to go into Executive Session to discuss Highway Personnel, Assessment Board of Review appointment and Court Prosecutor hiring.

Council Member Gunza made motion seconded by Council Member Edsall to go in to Executive Session. Board went into executive session at 7:55pm.

MOTION CARRIED: 4-ayes (Livsey, Gunza, Edsall, Voltaire)
0-nays
1-absent (Stradley)

Council Member Edsall made a motion seconded by Council Member Voltaire to close the executive session. Executive session closed at 8:25pm.

Regular Meeting Re-opened

Supervisor Livsey said the Board discussed some issues within the Highway Department and some policies will be reinforced to fix the situation.

Board of Assessment Review Appointment:

Supervisor Livsey said there were two applicants for the Board of Assessment Review; Raymond Hall and Frank Cassano. Supervisor Livsey asked the board to make a motion to appoint Ray Hall to the Assessment Board of Review.

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Council Member Edsall made a motion seconded by Council Member Voltaire to appoint Ray Hall to the Board of Assessment Review for a term of 5 years.

MOTION CARRIED: 4-ayes (Livsey, Gunza, Edsall, Voltaire)
0-nays
1-absent (Stradley)

Supervisor Livsey stated that there were two proposals for Court Prosecutor; Manard Law and Fatsis LLC. The Supervisor said both have similar proposals and asked the board to appoint one or the other.

Council Member Gunza made a motion seconded by Council Member Edsall to appoint Manard Law as Court Prosecutor.

MOTION CARRIED: 4-ayes (Livsey, Gunza, Edsall, Voltaire)
0-nays
1-absent (Stradley)

Supervisor Livsey asked for a motion to adjourn meeting.

Council Member Voltaire made a motion seconded by Council Member Edsall to adjourn meeting.
Meeting adjourned at 8:43pm.

Attest,

RESOLUTION

OF

FEBRUARY 10, 2014

RESOLUTION OF AMENDED SEQR DETERMINATION
TOWN OF HIGHLANDS WATER DISTRICT #2
DISTRIBUTION SYSTEM EXTENSION #1
AND INCREASE OF MAXIMUM EXPENDITURE
PURSUANT TO ARTICLE 12-A OF THE TOWN LAW

Council Member **Edsall** presented the following resolution which was seconded by Council Member **Voltaire**.

WHEREAS, Town of Highlands Water District #2 was established in August, 2000, and was subject to a maximum expenditure of \$3,700,000 by order of the Department of Audit and Control of the New York State Comptroller's Office; and

WHEREAS, the initial work done in Water District #2 did not fully build out the system and the proposed infrastructure; and

WHEREAS, a map, plan and report dated June 13, 2011 has been duly prepared according to law by J.R. Folchetti & Associates, L.L.C., in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Highlands relating to the new facilities to be placed within the existing district; and

WHEREAS, said map, plan and report showing the facilities involved together with the boundaries of the District has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the Town Board of the Town of Highlands has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed Water District #2 distribution system extension and increase of maximum expenditure pursuant to Article 12-A of the Town Law (the "Action"); and

WHEREAS, the Town Board determined to conduct a coordinated review of the Action and wherein a notice of intent to declare lead agency was circulated on or about June 15, 2011; and

WHEREAS, the Town Board declared itself lead agency on July 25, 2011; and

WHEREAS, the Town Board of the Town of Highlands adopted a order on the 28th day of November, 2011 ordering a public hearing to be held on the 12th day of December, 2011 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on the Action; and

WHEREAS, the Town Board of the Town of Highlands adopted a negative declaration on December 27, 2011; and

WHEREAS, the Town Board has heretofore reviewed the EAF together with any other supporting information, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; and

WHEREAS, during the construction of the project and during a proposed additional phase as a result of leftover funding, the Town Board in conjunction with the Settlement Trust is able to modestly increase the scope of the project area to include infrastructure on Brooks Lane, at the Fort Montgomery Elementary School and the Tonneson Backlot area; and

WHEREAS, the increased infrastructure is in areas similar to the prior construction, does not exceed the maximum expenditure for the district and is within the geographic boundary of Water District #2; and

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 13th day of January, 2014 ordering a public hearing to be held on the 10th day of February, 2014 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on the Action; and

WHEREAS, the Town Board of the Town of Highlands did notify the public and all interested and involved agencies of the changes to the Action.

NOW THEREFORE, BE IT RESOLVED:

1. The Town Board does determine that said Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
2. The Town Board hereby authorizes the Supervisor to execute and file the Environmental Assessment Form and Negative Declaration attached hereto in accordance with the applicable provisions of law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | | |
|---------------------------------|--------|---------------|
| James Stradley, Councilman | voting | Absent |
| June Gunza, Councilwoman | voting | Aye |
| Adrienne Voltaire, Councilwoman | voting | Aye |
| William Edsall, Councilman | voting | Aye |
| Mervin R. Livsey, Supervisor | voting | Aye |

The resolution was thereupon declared duly adopted.

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on February 10, 2014.

June Patterson, Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the

Town of Highlands, in the

County of Orange, New York

February 10, 2014

* * *

A regular meeting of the Town Board of the Town of Highlands, in the County of Orange, New York, was held at the Town Hall, 254 Main Street, Highland Falls, New York, in said Town, on February 10, 2014, at 7 o'clock P.M. (Prevailing Time).

There were present: Honorable Mervin R. Livsey, Supervisor; and

Councilpersons: William Edsall

June Gunza

Adrienne T. Voltaire

There were absent: James Stradley, Councilperson

Also present: Lesley Peterson, Deputy Town Clerk

* * *

Councilperson Edsall offered the following resolution and moved its adoption:

**RESOLUTION OF THE TOWN OF HIGHLANDS, NEW
YORK, ADOPTED ON FEBRUARY 10, 2014, AMENDING
THE BOND RESOLUTION HERETOFORE ADOPTED ON
AUGUST 13, 2012.**

Recitals

WHEREAS, pursuant to a bond resolution adopted on August 13, 2012, the Town Board of the Town of Highlands, in the County of Orange, New York, has appropriated \$2,389,432, in addition to the \$3,700,000 theretofore appropriated for the establishment of Water District No. 2 and the construction of a water system therein, in said Town; and

WHEREAS, the Town Board authorized (i) the expenditure of \$1,194,682 in funds to be provided by a private contributor and (ii) the issuance of bonds in the principal amount of \$1,194,750 to finance the balance of such additional appropriation; and

WHEREAS, it has been heretofore determined that new water facilities should be constructed to serve parcels located between the existing system terminus on Montgomery Road, Drew Road, Oakwood Drive, Scotts Circle, St. Mark's Place and Firefighter's Memorial Drive; such proposed facilities to include approximately 4,600 linear feet of water main, substantially as described in a map, plan and report prepared by J.R. Folchetti & Associates, LLC, competent engineers duly licensed by the State of New York; and

WHEREAS, the Town Board has thereafter determined that new water facilities should be constructed to serve parcels located on Brooks Lane from Montgomery Road, such proposed facilities to include approximately 400 additional linear feet of water main; and

WHEREAS such additional water facilities will be constructed at no additional cost;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HIGHLANDS, IN THE COUNTY OF ORANGE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) AS FOLLOWS:

Section (A) The bond resolution of the Town of Highlands duly adopted by the Town Board on August 13, 2012 entitled:

“Bond Resolution of the Town of Highlands, New York, adopted August 13, 2012, appropriating \$2,389,432 in addition to the \$3,700,000 heretofore appropriated for the establishment of Water District No. 2 and the construction of a water system therein, in said Town, stating the plan of finance includes the expenditure of \$1,194,682 in funds to be provided by a private contributor and the issuance of \$1,194,750 of bonds of said Town; and authorizing the issuance of said \$1,194,750 serial bonds of said Town to finance the balance of said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF HIGHLANDS, NEW YORK, ADOPTED AUGUST 13, 2012 AND AMENDED FEBRUARY 10, 2014, APPROPRIATING \$2,389,432 IN ADDITION TO THE \$3,700,000 HERETOFORE APPROPRIATED FOR THE ESTABLISHMENT OF WATER DISTRICT NO. 2 AND THE CONSTRUCTION OF A WATER SYSTEM THEREIN, IN SAID TOWN, STATING THE PLAN OF FINANCE INCLUDES THE EXPENDITURE OF \$1,194,682 IN FUNDS TO BE PROVIDED BY A PRIVATE CONTRIBUTOR AND THE ISSUANCE OF \$1,194,750 OF BONDS OF SAID TOWN; AND AUTHORIZING THE ISSUANCE OF SAID \$1,194,750 SERIAL BONDS OF SAID TOWN TO FINANCE THE BALANCE OF SAID APPROPRIATION.

WHEREAS, the Town Board of the Town of Highlands (herein called “Town Board” and “Town”, respectively), in the County of Orange, New York, has heretofore duly established Water District No. 2, in the Town (herein called “District”), pursuant to the Order Establishing the District duly adopted by the Town Board on August 10, 2000, following the public hearing duly called and held on April 4, 2000, and receipt of the Order of the State Comptroller dated August 7, 2000, granting permission therefor; and

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and the construction of a water system therein, including buildings, acquisition of necessary land and rights in land, original furnishings, equipment, machinery and apparatus necessary therefor, all in accordance with the map, plan and report prepared by Raimondi

Associates, P.C., competent engineers duly licensed by the State of New York, was \$3,700,000, as set forth in the said Order of the State Comptroller, dated August 7, 2000; and

WHEREAS, the initial proposed scope of work was not completed and it has been heretofore determined that new water facilities should be constructed to serve parcels located between the existing system terminus on Montgomery Road, Drew Road, Oakwood Drive, Scotts Circle, St. Mark's Place, Firefighter's Memorial Drive, and on Brooks Lane from Montgomery Road; such proposed facilities to include approximately 5,000 linear feet of water main, substantially as described in a map, plan and report, as amended, prepared by J.R. Folchetti & Associates, LLC, competent engineers duly licensed by the State of New York; and

WHEREAS, it has been determined that the estimated maximum cost of the construction of said water system in the District is now estimated to be \$6,089,432, and it is necessary to increase the amount heretofore authorized therefor by \$2,389,432; and

WHEREAS, following the due submission of an application by the Town Board to the New York State Comptroller for permission to increase the maximum amount authorized to be expended for the construction of such water system in the District, the State Comptroller granted the Town permission to increase the maximum amount to be expended for said water system from \$3,700,000 to \$6,089,432, pursuant to the Order of the State Comptroller dated July 26, 2012; and

WHEREAS, following the public hearing duly called and held on December 12, 2011, said Town Board duly adopted a Final Order on August 13, 2012, approving the increase in the maximum amount proposed to be expended for the construction of the water system in the District by \$2,389,432, from \$3,700,000 to \$6,089,432;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF HIGHLANDS, IN THE COUNTY OF ORANGE, NEW YORK (by favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$2,389,432 in addition to the \$3,700,000 heretofore appropriated for the establishment of Highlands Water District No. 2 and the construction of a water system therein, including buildings, acquisition of necessary land and rights in land, original furnishings, equipment, machinery and apparatus necessary therefor, all as hereinabove referred to in the Recitals of this resolution, and in accordance with the map, plan and report, as amended, prepared by J.R. Folchetti & Associates, LLC, competent engineers duly licensed by the State of New York, on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,389,432 and the plan of financing includes the expenditure of \$1,194,682 in funds to be provided by a private contributor and the issuance of serial bonds of the Town in the principal amount of \$1,194,750, and the assessment, levy and collection of special assessments upon the several lots and parcels of land in the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$1,194,750 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a portion of said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of said specific object or purpose for which said serial bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in "*The News of the Highlands*" a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Section (B) The amendment of the bond resolution set forth in Section (A) of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C) This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by Councilperson Gunza and duly put to a vote on roll call, which resulted as follows:

AYES: 4

NOES: 0

The resolution was declared adopted.

CERTIFICATE

I, Lesley Peterson, Deputy Town Clerk of the Town of Highlands, in the County of Orange, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Highlands duly called and held on February 10, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Highlands on this 10th day of February, 2014.

(SEAL)

Lesley Peterson, Deputy Town Clerk
Town of Highlands